

### **REMARKS**

This amendment is submitted in reply to the Office Action dated May 1, 2006. Applicant gratefully acknowledges the Examiner's indication that claims 6 and 9 contain allowable subject matter. Claims 1, 6, 8, 9, 17-19, 21 and 22 currently stand rejected. Applicant has amended independent claims 1, 21 and 22 to more particularly distinguish the claimed invention from the cited references. Claim 8 has also been amended to correct a multiple dependency. New claims 23 and 24 have been added to recite subject matter formerly recited in multiply dependent form in dependent claims 8 and 9, respectively. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Objection and New Claims**

Claims 8 and 9 stand objected to under 37 CFR §1.75(c) as being in improper form because a multiple dependent claim should not refer to other claims in the alternative. Applicant has amended claim 8 to remove the multiple dependency. As a result, Applicant has added new claims 23 and 24 to recite the subject matter previously recited in multiple dependent form in claims 8 and 9 which has now been deleted in order to cure the objection. Accordingly, Applicant respectfully requests that the objection be withdrawn.

#### **Claim Rejections - 35 USC §112**

Claims 1 and 9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Office Action asserts that the trademark Bluetooth is used to identify/describe a type of wireless device and, accordingly, the identification/description is indefinite. Applicant respectfully traverses.

As stated in MPEP 2173.05(u), the presence of a trademark or trade name in a claim is not, *per se*, improper under 35 U.S.C. §112. Accordingly, MPEP 2173.05(u) instructs that the claim should be carefully analyzed to determine how the mark or name is used in the claim. In this regard, if the trademark or trade name is used in a claim as a limitation to identify or

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describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. §112.

In the present situation, Applicant respectfully submits that the term Bluetooth is not used “as a limitation to identify or describe a particular material or product”. To the contrary, Bluetooth is used to refer to a particular wireless communication specification. In this regard, Bluetooth is used in claims 1 and 9 in a capacity no different than a situation where the referenced standard is GSM, CDMA, etc. As evidence of this, Applicant respectfully notes that on March 21, 2002, the Standards Board of the Institute of Electrical and Electronics Engineers Standards Association (IEEE-SA) announced the approval of the IEEE Standard 802.15.1 (“Wireless MAC and PHY Specifications for Wireless Personal Area Networks (WPANs)”, which is adapted from the Bluetooth wireless specification. See for example, Press Release “IEEE-SA IEEE Std 802.15.1-2002” (e.g., cf.: <http://www.ieee802.org/15/pub/TG1.html>). Thus, although “Bluetooth”, is a registered trademark, the term is used in claims 1 and 9 to refer in general terms to a wireless communication standard by which communications may be conducted between electronic devices. Such devices could be products of any manufacturer and made of any suitable material and thus, the term “Bluetooth”, as used in claims 1 and 9 is not merely used “as a limitation to identify or describe a particular material or product”. Accordingly, Applicants respectfully submit that the term Bluetooth, as used in independent claims 1 and 9 is not indefinite and the rejections of claims 1 and 9 are overcome.

#### **Claim Rejections - 35 USC §102**

Claims 1, 6, 8, 9, 17-19, 21 and 22 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Colosso (U.S. Patent No. 6,169,976).

Applicant initially notes that it appears that the Office Action assumes that the customer root domain name of Colosso corresponds to the hardware identification sequence of the claimed invention. As such, Applicant notes that the cited passages refer to particular operations disclosed in Colosso related to the customer root domain name which are purportedly analogous to operations recited in the claimed invention (e.g., the user identifier, the access information and the encryption key of col. 3, lines 15-20 and 39-44 of Colosso). Accordingly, the operation of

comparing the read-out hardware identification sequence with the hardware identification sequence contained in the license key from the claimed invention would appear to be, at best, analogous to the disclosure of Colosso at col. 13, line 60 to col. 14, line 3, and operation (738) of FIG. 2E in which operational steps are preformed at a key site manager (262), which issues the activation key for installing the software at the customer's computer.

Independent claims 1, 21 and 22 each recite, *inter alia*, reading out a hardware identification sequence of a specific hardware module at a processing device executing the software. Independent claims 1, 21 and 22 also recite, *inter alia*, retrieving, at the processing device, a predetermined hardware identification sequence contained in a license key and comparing, at the processing device, the read-out hardware identification sequence with the hardware identification sequence contained in the license key. In other words, operations carried out for preventing unauthorized use of software accessing the specific hardware module are performed at the same processing device that executes the software.

To the contrary, Colosso discloses the key site manager (262) into which the customer (240) logs in to obtain an installation key and encrypted key information (504). The installation key and encrypted key information (504) are then inputted by the customer (240) during installation of the software. As such, any operations of Colosso which are seen to correspond to the operations recited in the claimed invention, and indeed those operations cited by the Office Action as corresponding to the above recited features, are performed at the key site manager (262) and not at the processing device which executes the software as recited in the claimed invention.

Accordingly, Colosso fails to teach or suggest the above recited features. In particular, Colosso fails to teach or suggest operation of the above recited features at the processing device executing the software as recited in independent claims 1, 21 and 22. Accordingly, independent claims 1, 21 and 22 are patentable and non-obvious in view of Colosso.

Although independent claim 1 is patentable for at least the reasons given above, yet further reasons for the patentability of independent claim 1 also exist. For example, independent claim 1 also recites, *inter alia*, at least one of the specific hardware modules is a Bluetooth module comprising a unique Bluetooth hardware address that comprises said hardware identification

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sequence that is read out. Applicant respectfully submits that such feature is neither taught nor suggested in either the cited passages, in particular, or in all of Colosso, in general.

Claims 6, 8, 9 and 17-19 depend either directly or indirectly from respective ones of independent claims 1, 21 and 22, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 6, 8, 9 and 17-19 are patentable for at least those reasons given above for independent claims 1, 21 and 22.

Accordingly, Applicant respectfully submits that the rejections of claims 1, 6, 8, 9, 17-19, 21 and 22 are overcome.

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### **CONCLUSION**

In view of the amendment, and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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